

REMARKS/ARGUMENTS

The present Amendment is in response to the Official Action which was re-mailed on May 14, 2007. Claims 1, 21, and 27 have been amended. Claims 4, 19, 20, and 28-47 have been cancelled herein or previously cancelled. Claims 51-56 have been added herein. Therefore, claims 1-3, 5-18, 21-27, and 48-56 are currently pending in the present application. The present Amendment is being submitted along with a Notice of Appeal. The following sets forth Applicants' remarks relating to these currently pending claims and the outstanding Action.

As an initial matter, Applicants respectfully thank the Examiner for conducting telephone discussions of June 20, 2007 and August 13, 2007 regarding the outstanding Action. In the latter of these discussions, the Examiner indicated that the incorporation of subject matter relating to the fact that the mandrel of the spinal implant cutting apparatus be disposed in a pair of channels formed on opposite ends of the apparatus, where the channels are made from a friction reducing material would constitute allowable subject matter. In the present Amendment, Applicants have amended each one of independent claims 1, 21, and 27 to include these limitations. As such, Applicants respectfully submit that these claims should be moved into a condition of allowance.

Furthermore, the remaining claims in the present application should also be allowed. Specifically, dependent claims 2 and 3, 5-18, 22-26, and 51-56 should be allowed based solely upon their dependence from one of allowable independent claims 1, 21, or 27. A dependent claim is necessarily narrower than an independent claim from which it properly depends. In addition, Applicants acknowledge and thank the Examiner for indicating that claims 48-50, which were added in a previous response, constitute allowable subject matter. Therefore, in light of all of the above, Applicants respectfully request

allowance of each and every one of the currently pending claims. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 9, 2007

Respectfully submitted,

By 

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